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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,233	12/04/2001	Helmut Ponn	47874.267151	8299

28694 7590 03/28/2003

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EXAMINER

LUGO, CARLOS

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 03/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/683,233

Applicant(s)

PONN ET AL.

Examiner

Carlos Lugo

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.                      6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following features must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

- The cable end directed for engagement with the cable seat in the unlocked position and is directed to the side of the cable seat in the locked position.
- A mechanical transmission system between the operating device and the cable end pointing towards the lock casing.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The specification is objected to because of the following informalities:

- Page 5 Paragraph 17 Line 1, add --actuating-- before "element".
- Page 5 Paragraph 17 Line 3, add --actuating-- before "element".
- Page 5 Paragraph 17 Line 6, add --actuating-- before "element".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. **Claims 1-10 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the other end of the cable" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "a cable seat" in line 11. It is unclear if this cable seat is the same as the one recited in line 7.

Claim 1 recites the limitation "the bolt" in line 13. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the operating device" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the operating device" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the operating device" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "the operating device" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "the operating device" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "an actuating element" in line 2. It is unclear if this limitation is the same as the one recited in Claim 9 Line 5.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1 and 5-7 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 3,905,624 to Fujita in view of US Pat No 6,070,921 to Valasin.

Regarding claims 1, 5 and 7, Fujita discloses a vehicle lock device comprising a lock casing (11). A cable (20) has an end (at 20a) pointing towards the lock casing.

A cable seat (the edges of 14b) is operatively connected to a catch (14). The lock device also includes a rotary bolt (15) and an element for acting upon the end of the cable (handle or button).

The cable end (20a) is designed, by pushing down the other end of the cable, to be brought into engagement with the cable seat for actuation of the catch. The catch is used to disengage the rotary bolt in order to release a bolt (Figure 1).

The cable end is directed for engagement with the cable seat in the unlocked position (Figure 1) and is directed to the side of the cable seat in the locked position (Figure 3). However, Fujita fails to disclose a cable sheath.

Valasin teaches that is known in the art to have a cable sheath (40) around a cable (46). The cable sheath is attached to an operating device (lock cylinder not showed).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a cable sheath, as taught by Valasin, into a lock device as described by Fujita, in order to give protection to the cable.

As to claim 6, Fujita discloses that the operating device (handle or button) acts directly on the cable end (Col. 5 Lines 1-7).

7. **Claims 2-4 and 8 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 3,905,624 to Fujita in view of US Pat No 6,070,921 to Valasin and further in view of US Pat No 4,691,584 to Takaishi et al (Takaishi).

Regarding claims 2-4, Fujita, as modified by Valasin, fails to disclose that the element to act on the end of the cable is a mechanical, electrical device or that uses a memory metal. Fujita discloses that the element is a handle or button.

Takaishi teaches that is known in the art to have a mechanical or electrical device (electric motor 100) to act on the end of the cable (108).

Furthermore, the applicant admits that it will be obvious to one skilled in the art that the device can be one from the list of mechanical or electrical devices claimed.

As to claim 8, Takaishi teaches that a mechanical transmission system (inside 100) is between the operating device and the cable end pointing towards the lock casing (104).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have an operating device, as taught by Takaishi, into a lock device as described by Fujita, as modified by Valasin, in order to change the operating device from manual to automatic.

***Allowable Subject Matter***


8. **Claims 9 and 10 would be allowable** if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents cited further show the state of the art with respect to vehicle lock devices.
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo. The examiner phone number is (703)-305-9747. The fax number for correspondence before a final action is (703)-872-9326 and the fax number for correspondence after final action is (703)-872-9327. The email direction of the examiner is carlos.lugo@uspto.gov. The examiner can normally be reached on Monday to Friday from 9:30am to 6:30pm (EST). If the examiner is not available, please leave a message, including the application number and the examiner will answer the message as soon as possible.

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March 17, 2003

  
ROBERT J. SANDY  
PRIMARY EXAMINER